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APRIL 12-13, 2012 | THE INN AT ST. JOHN'S, PLYMOUTH

Tackle Today's **Hot Topics** in Labor & Employment Law

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Tackle Today's Hot Topics in Labor & Employment Law

Cosponsored by the Labor & Employment Law Section of the State Bar of Michigan and the Federal Mediation & Conciliation Service

This year brought about sweeping changes to the current legal landscape, from amendments to the Americans with Disabilities Act to the reconstituted National Labor Relations Board. This year's *Institute* covers these important developments and more—when you attend, you get expert advice on how those changes impact your practice and how to advise your clients.

Join labor and employment law lawyers and HR professionals from all over Michigan to get the answers you need to address the hottest issues in labor and employment law. You can't afford to miss this year's event!

Attend and Learn to:

- Prepare for the newest ADA Amendments
- Navigate tricky social media legal developments
- Deal with the surge in retaliation and whistleblower claims
- Address the ever-changing medical marijuana legal landscape
- Master the nuances of the Affordable Health Care Act
- Achieve better outcomes in your settlement negotiations
- Understand the latest developments affecting public sector unions
- Advise your clients in light of changes in union election process

LUNCH KEYNOTE SPEAKER



Denis G. Beissel
Management and
Logistics Consultant
Forest Hills, NY

Former United Nations Officer-in-Charge, Office of Human Resources Management and Director, Operational Services Division

Denis Beissel, a leader of United Nations peacekeeping support operations in the early 1990s, provides insights on how he managed organizational growth of epic proportions. Suddenly, the UN had to move thousands of troops and equipment across oceans and provide defense stores and suitable military supplies in areas with no roads, land mines, and a large refugee population. Denis shares how he chose the right team and maximized his resources to manage this staggering organizational growth. Hear how his biggest challenges often became his biggest triumphs.

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HRCI CREDIT

As in past years, this program has been approved for general recertification credit hours toward PHR, SPHR, and GPHR recertification through the Human Resource Certification Institute (HRCI). You will receive the program ID number on-site to include on your recertification application form.

Special Features

THE LATEST UPDATES

NLRB/MERC Update

See page 5 for full details.

Equal Employment Opportunity Update

See page 5 for full details.

NEW DEVELOPMENTS

Hot Topics at the NLRB

See page 6 for full details.

Medical Marijuana Legal Developments

See page 7 for full details.

PANEL DISCUSSION

Legislative Changes to the Public Employment Relations Act (PERA): Reform or Union Busting?

Our panel reviews the labor legislation adopted by the Michigan Legislature.

See page 6 for full details.

Featured Speakers



Chai Feldblum

Commissioner,
US Equal Employment
Opportunity Commission
Washington, DC

Prior to Chai Feldblum's appointment to the Equal Employment Opportunity Commission, she was a professor of law at the Georgetown University Law Center, where she has taught since 1991. At Georgetown, Commissioner Feldblum founded the law center's Federal Legislation and Administrative Clinic, which represented clients such as the National Disability Rights Network and the Bazelon Center for Mental Health Law.



Adam S. Forman

Miller Canfield PLC
Detroit

Adam S. Forman's practice focuses on defending claims of wrongful discharge, discrimination, harassment, retaliation, and wage and hour issues. He also represents management in labor arbitrations, unfair labor practice charges, and collective bargaining. Mr. Forman writes and lectures on issues related to technology, e-mail, and the Internet in the workplace and trains workforces on how to conduct an investigation.



Hon. Elizabeth L. Gleicher

Michigan Court of Appeals
Detroit

Hon. Elizabeth L. Gleicher was appointed to the Court in 2007. Previously, she was an attorney in private practice for 27 years, beginning her career at Goodman Eden Millender & Bedrosian in Detroit, then opening her own litigation practice in 1994. Judge Gleicher is an elected fellow of the International Society of Barristers (2004) and the American College of Trial Lawyers (2005).

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Networking Event

NETWORKING RECEPTION

Thursday Evening Reception

Join colleagues and friends, make new contacts, and relax at our cocktail reception.

See page 5.

Don't Miss These Great Sessions!

THURSDAY SESSION

The ADA Amendments Act

Get the latest guidance about the final regulations to the ADA Amendments Act (ADAAA) straight from Chai Feldblum, Commissioner of the US Equal Employment Opportunity Commission.

See page 5 for full details.

FRIDAY SESSION

#Winning with Social Media

Nationally-renowned legal social media expert Adam S. Forman shares the latest legal developments.

See page 6 for full details.

SCHEDULE April 12, 8:00am–5:00pm

8:00am	Continental Breakfast		
9:00am	Welcome and Section Activity Update Timothy H. Howlett		
9:20am	Americans With Disabilities Act Update John R. Runyan		
10:15am	Equal Employment Opportunity Update Daniel J. Bretz		
11:15am	Networking Break		
11:30am	Family and Medical Leave Act Update David B. Calzone		
12:30pm	Lunch Program Denis G. Beissel		
2:00pm	Fair Labor Standards Act Update Robert A. Boonin		
TRACKS	EMPLOYMENT LAW TRACK Timothy H. Howlett	LABOR LAW TRACK John W. Pinto Jr.	HUMAN RESOURCE PROFESSIONAL TRACK Daniel J. Clinton
3:00pm	The ADA Amendments Act Chai Feldblum	NLRB/MERC Update Stanley C. Moore III, D. Lynn Morison	The Year in Review for Human Resource Professionals—Part One Robert A. Boonin, Daniel J. Bretz, David B. Calzone, John R. Runyan
3:50pm	Networking Break		
4:05pm	Retaliation and Whistleblowing Reexamined Darcie R. Brault, Kathryn S. Wood	The Affordable Health Care Act: What You Need to Know Carla E. Tademy Blakey	The Year in Review for Human Resource Professionals—Part Two Robert A. Boonin, Daniel J. Bretz, David B. Calzone, John R. Runyan
5:00pm	Networking Reception		

SCHEDULE April 13, 8:00am–12:45pm

TRACKS	EMPLOYMENT LAW TRACK Thomas J. Barnes	LABOR LAW TRACK John W. Pinto Jr.	HUMAN RESOURCE PROFESSIONAL TRACK Antoinette Knechtges
8:00am	Continental Breakfast		
9:00am	#Winning with Social Media Adam S. Forman	Legislative Changes to the Public Employment Relations Act (PERA): Reform or Union Busting? Craig W. Lange, Mark H. Cousens, Arthur R. Przybylowicz	HR Lessons Learned by a UN Manager: From Outsourcing to Hiring to Downsizing, and Everywhere in Between Denis G. Beissel
9:55am	Conduct Successful Settlement Negotiations Deborah L. Gordon, Gregory V. Murray	Inside an Arbitrator's Mind George T. Roumell Jr., Kathryn A. VanDagens	Hiring Practices for Ex-Offenders and the Unemployed Lori Keen Adamcheski
10:45am	Networking Break		
11:00am	What Judges Look For at the Court of Appeals Hon. Elizabeth L. Gleicher	Hot Topics at the NLRB James M. Moore, Gregory P. Ripple	Controlling Health Care Costs Daniel J. Clinton, Terri Forman
11:55am	Medical Marijuana Legal Developments Jeffrey S. Donahue	Creative Approaches to Bargaining Issues in 2012 Stuart M. Israel, David E. Khorey, James W. Statham	Accommodations Galore: Practical Tips for ADA and Religious Accommodations Margaret Carroll Alli

Schedule Details

April 12, 8:00am–5:00pm

MODERATORS

**Plenary Session/
Employment Law Track**

Timothy H. Howlett
Vice Chair, Labor and
Employment Law Section,
Dickinson Wright PLLC
Detroit

**Labor Law Track**

John W. Pinto Jr.
Federal Mediation &
Conciliation Service
Pittsburg, PA

**Human Resource
Professional Track**

Daniel J. Clinton
Farmington Hills

8:00am

Continental Breakfast

9:00am

Welcome and Section Activity Update

Timothy H. Howlett, Vice Chair, Labor and
Employment Law Section of the State Bar of
Michigan, Dickinson Wright PLLC, *Detroit*

9:20am

Americans with Disabilities Act Update

John R. Runyan, Sachs Waldman PC, *Detroit*

10:15am

Equal Employment Opportunity
Update

Daniel J. Bretz, Clark Hill PLC, *Detroit*

11:30am

Family and Medical Leave Act Update

David B. Calzone, Vercruysse Murray & Calzone
PC, *Bingham Farms*

12:30pm

Lunch Program

Denis Beissel, a leader of United Nations
peacekeeping support operations in the early
1990s, provides insights on how he managed
organizational growth of epic proportions.
Denis G. Beissel, Management and Logistics
Consultant, *Forest Hills, NY*

2:00pm

Fair Labor Standards Act Update

Robert A. Boonin, Butzel Long, *Ann Arbor*

3:00pm

Employment Law Track:

The ADA Amendments Act

Get the latest guidance about the final
regulations to the ADA Amendments Act
(ADAAA) straight from Chai Feldblum,
Commissioner of the US Equal Employment
Opportunity Commission. Commissioner
Feldblum, who negotiated and drafted the
ADA and the ADAAA (and even trained the
agency's investigators and lawyers herself),
guides you through the biggest changes and
challenges that the final regulations present.
Chai Feldblum, Commissioner, US Equal Employment
Opportunity Commission, *Washington, DC*

Labor Law Track: NLRB/MERC Update

Back by popular demand! Learn the
most significant decisions issued by
the National Labor Relations Board,
the courts, the Michigan Employment
Relations Commission, and the Court of
Appeals in reviewing MERC decisions.
Stanley C. Moore III, Plunkett Cooney, *Bloomfield
Hills*; D. Lynn Morison, Bureau of Employment
Relations, *Detroit*

Human Resource Professional Track:

The Year in Review for Human
Resource Professionals—Part One

In this annual update, presenters share their
perspective on how the newest court decisions
impact your human resource department.
Get expert insight and analysis from top
experts who advise HR professionals in their
practice every day. Bring your questions and
get them answered!

Robert A. Boonin, Butzel Long, *Ann Arbor*;
Daniel J. Bretz, Clark Hill PLC, *Detroit*; David
B. Calzone, Vercruysse Murray & Calzone PC,
Bingham Farms; John R. Runyan, Sachs Waldman
PC, *Detroit*

4:05pm

Employment Law Track: Retaliation
and Whistleblowing Reexamined

Retaliation and whistleblower claims are
on the rise. These seasoned practitioners
cut to the heart of what constitutes
“protected activity” and an employer’s
“adverse action,” and discuss litigation
strategies and hot topics.

Darcie R. Brault, Dib Fagan & Brault PC, *Royal Oak*;
Kathryn S. Wood, Dickinson Wright PLLC, *Detroit*

Labor Law Track: The Affordable Health
Care Act: What You Need to Know

Are your clients' health care plans ready for
the January 1, 2014 deadlines in the Patient
Protection and Affordable Care Act (ACA)?
These mandates include a new Summary of
Benefits and Coverage and Uniform Glossary
document, the provision of “free” preventative
care services to employees covered by health
care plans (services expanded by recently
issued regulations), W-2 reporting issues,
and other directives. Evaluate your clients'
compliance progress against our ACA Things
to Do List by attending this session.
Carla E. Tademey Blakey, Keller Thoma PC, *Detroit*

Human Resource Professional Track:

The Year in Review for Human
Resource Professionals—Part Two

In this annual update, presenters share their
perspective on how the newest court decisions
impact your human resource department.
Get expert insight and analysis from top
experts who advise HR professionals in their
practice every day. Bring your questions and
get them answered!

Robert A. Boonin, Butzel Long, *Ann Arbor*;
Daniel J. Bretz, Clark Hill PLC, *Detroit*; David
B. Calzone, Vercruysse Murray & Calzone PC,
Bingham Farms; John R. Runyan, Sachs Waldman
PC, *Detroit*

5:00pm

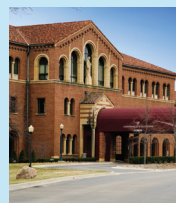
Networking Reception

Hotel Information

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A block of rooms has been reserved under
ICLE/Labor & Employment for the nights of
April 11–12, 2012. The room rate is \$131/night.
For a reservation call 734-414-0600. Reservations
must be made by March 28, 2012. Registrants
are responsible for their own hotel expenses.

Schedule Details continued

April 13, 8:00am–12:45pm

MODERATORS



Employment Law Track

Thomas J. Barnes
Arbitrator and Mediator
Grand Rapids



Labor Law Track

John W. Pinto Jr.
Federal Mediation &
Conciliation Service
Pittsburg, PA



Human Resource Professional Track

Antoinette Knechtges SPHR
ASK Consulting Group LLC
Plymouth

8:00am

Continental Breakfast

9:00am

Employment Law Track:

#Winning with Social Media

You don't want to miss hearing this nationally-recognized social media law expert break down the latest legal developments in an interactive, entertaining format.

Adam S. Forman, Miller Canfield PLC, *Detroit*

Labor Law Track: Legislative Changes to the Public Employment Relations Act (PERA): Reform or Union Busting?

Our panel reviews the labor legislation adopted by the Michigan Legislature in the past year and looks at how it affects public sector unions and employers. Includes an analysis of the changes made to the right to bargain and to subjects for bargaining.

Craig W. Lange, Kirk Huth & Lange PLC, *Clinton Township*; Mark H. Cousens, General Counsel, AFT Michigan, *Southfield*; Arthur R. Przybylowicz, Michigan Education Association, *East Lansing*

Human Resource Professional Track:

HR Lessons Learned by a UN Manager: From Outsourcing to Hiring to Downsizing, and Everywhere in Between

Denis G. Beissel describes the practical solutions he adopted in response to various HR management problems during his 36-year career as a UN administrative services manager. Includes managing the advantages and disadvantages of outsourcing, techniques for acquiring very large numbers of employees rapidly, managing downsizing, and various initiatives to automate and industrialize HR processes.

Denis G. Beissel, Management and Logistics Consultant, *Forest Hills, NY*

9:55am

Employment Law Track: Conduct Successful Settlement Negotiations

Your strategy can make or break your settlement negotiations. Two experts discuss how to strengthen your position and maximize results in even the most difficult situations. Deborah L. Gordon, Law Office of Deborah L. Gordon, *Bloomfield Hills*; Gregory V. Murray, Vercruyse Murray & Calzone PC, *Bingham Farms*

Labor Law Track:

Inside an Arbitrator's Mind

Two seasoned arbitrators discuss how they respond to various procedural issues in arbitration, including timeliness claims, claims of failure to follow contractual procedures, raising new issues at arbitration, and introducing evidence not previously revealed in the grievance procedure. Learn their views on whether briefs are necessary (and what they should contain) and addressing evidence issues like revisiting hearsay and taking telephonic testimony. George T. Roumell Jr., Arbitrator/Mediator, *Detroit*; Kathryn A. VanDagens, *Lansing*

Human Resource Professional Track: Hiring Practices for Ex-Offenders and the Unemployed

If you are looking to fill a position, can you exclude ex-offenders and the unemployed, or does it constitute unlawful discrimination? Our legal expert explores the legal and practical considerations of hiring ex-offenders and the unemployed and discusses strategies for dealing with this emerging issue. Lori Keen Adamcheski, Blue Cross Blue Shield of Michigan, *Detroit*

11:00am

Employment Law Track: What Judges Look For at the Court of Appeals

Get insight into what appellate judges are thinking when they review your case. This session is a must for any trial lawyer! Hon. Elizabeth L. Gleicher, Michigan Court of Appeals, *Detroit*

Labor Law Track:

Hot Topics at the NLRB

Election procedures, workplace regulations, voluntary recognition, successorship, and enforcement policies and the Board's membership are among the changes at the NLRB in the last year. Attend this seminar to understand how these developments affect your practice and the way you advise your clients. James M. Moore, Gregory Moore Jeakle & Brooks PC, *Detroit*; Gregory P. Ripple, Miller Johnson, *Grand Rapids*

Human Resource Professional Track: Controlling Health Care Costs

How many dollars have been spent on broad-based voluntary wellness programs that do nothing to improve the bottom line or health of the high-risk population? Creating an effective risk reduction program will drive critical health and financial results by focusing on preventable chronic disease and the highest risk population. Our experts discuss their lean and data-driven approach and show you how to apply their methods and control your company's health care costs. Daniel J. Clinton, *Farmington Hills*; Terri Forman, Client Relationship Manager, Ovation Benefits, *Leonard*

PAST ATTENDEES RAVE

“Year in and year out, this is the best Labor Law seminar in Michigan.”

—Thomas R. Williams
Kerr Russell and Weber PLC, *Detroit*

“This is one seminar I will not miss.”

—Brian E. Koncius
Bogas Koncius & Croson PC, *Bingham Farms*

11:55am Employment Law Track: Medical Marijuana Legal Developments

The legal landscape concerning medical marijuana in Michigan—and the United States—is changing. Learn the newest developments in hiring, drug testing, and wrongful discharge. Get the latest updates in this engaging presentation. Jeffrey S. Donahue, White Schneider Young & Chiodini, *Okemos*

Labor Law Track: Creative Approaches to Bargaining Issues in 2012

Management and labor face unprecedented challenges in bargaining in 2012 and beyond. This session will identify and explore some of the key issues in bargaining today, including health care, time off, flexibility, and wage issues, and will introduce alternative strategies for efficient and effective negotiations including the use of interest-based and early bargaining. Stuart M. Israel, Legghio & Israel PC, *Royal Oak*; David E. Khorey, Varnum LLP, *Grand Rapids*; James W. Statham, Federal Mediation & Conciliation Service, *Troy*

Human Resource Professional Track: Accommodations Galore: Practical Tips for ADA and Religious Accommodations

A daunting challenge employers face is determining the proper accommodation for employees with disabilities or whose religious beliefs or practices conflict with workplace rules and requirements. What are possible accommodations? How far does an employer have to go? This session will focus on the interactive dialogue process and provide practical tips in accommodating employees' disabilities and religious beliefs. Margaret Carroll Alli, Ogletree Deakins Nash Smoak & Stewart PLLC, *Bloomfield Hills*

SEMINAR REGISTRATION

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¹ Registrants will receive the printed handbook if no format is specified. Materials will be posted online before the seminar.

² A registration form is required for each attorney registering at the firm rate.

³ Cost of shipping includes sales tax on shipping.

Persons with disabilities: For special arrangements, please contact ICLE no later than seven days before the seminar. **Cancellation Policy:** In order to receive a full refund, you must notify ICLE by March 29, 2012. After March 29, a \$45 handling fee will be assessed. No refunds will be issued after April 5, 2012. **Walk-in Registrations:** Permitted on a space-available basis or if registrants fail to claim their seat in the first 15 minutes of the seminar.

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